

COMMISSION DECISION

of 24 February 2006

on introducing preventive vaccination against highly pathogenic avian influenza H5N1 and related provisions for movements in France*(notified under document number C(2006) 632)***(Only the French text is authentic)**

(2006/148/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

However, such a practice should not jeopardise the strict biosecurity and other measures that should be in force in such areas aimed at eradicating any introduction of virus.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC ⁽¹⁾, and in particular, Article 57(2) thereof;

Whereas:

(1) Avian influenza is an infectious viral disease in poultry and birds, causing mortality and disturbances which can quickly take epizootic proportions liable to present a serious threat to animal health and under certain circumstances to human health. There is a risk that the disease agent might be spread to other holdings thus reducing sharply the profitability of poultry farming, to wild birds and from one Member State to other Member States and third countries through the international trade in live birds or their products.

(2) Highly pathogenic avian influenza A virus of subtype H5N1 has been isolated from wild birds in certain parts of the Community and in third countries adjacent to the Community or populated by migratory birds during winter. The likelihood of virus introduction with wild birds is increasing during the forthcoming migratory season.

(3) Early detection systems and biosecurity measures to reduce the risk of transmission of avian influenza to poultry flocks are in place in France.

(4) In its opinion on 'Animal health and welfare aspects of avian influenza' of 20 September 2005 the Animal Health and Welfare Panel of the European Food Safety Authority (EFSA) recommends that preventive vaccination can be considered if a high risk of virus introduction is identified in densely populated poultry areas.

(5) On 21 February 2006, France has submitted to the Commission for approval a plan for preventive vaccination in the light of the particular risk of introduction of avian influenza in certain areas of its territory. The Commission has immediately examined this plan in collaboration with France and deems that after certain adaptations it is in conformity with the relevant Community provisions. It appears therefore appropriate to approve this plan.

(6) According to this plan France intends to vaccinate ducks and geese against highly pathogenic avian influenza H5N1. This should be considered as a 'pilot project' since there is limited experience with preventive vaccination in these species.

(7) Only vaccines authorised in accordance with Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products ⁽²⁾ or Regulation No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency ⁽³⁾ should be used.

(8) Where preventive vaccination is carried out in France monitoring on vaccinated and unvaccinated poultry flocks and movement restrictions for vaccinated birds have to be implemented.

(9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 10, 14.1.2006, p. 16.

⁽²⁾ OJ L 311, 28.11.2001, p. 1. Directive as last amended by Directive 2004/28/EC (OJ L 136, 30.4.2004, p. 58).

⁽³⁾ OJ L 136, 30.4.2004, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

Subject matter, scope and definitions

1. This Decision lays down certain measures to be applied in France where preventive vaccination is carried out in certain poultry holdings in defined areas at particular risk for introduction of highly pathogenic avian influenza H5N1 including provisions for movements of vaccinated poultry and certain products derived thereof.

2. For the purpose of this Decision the definitions in Article 2 of Council Directive 2005/94/EC shall apply as appropriate.

Article 2

Approval of the vaccination programme

1. The plan for preventive vaccination against highly pathogenic avian influenza H5N1, submitted by France to the Commission on 21 February 2006, is approved ('the preventive vaccination plan').

The preventive vaccination shall be carried out with inactivated heterologous vaccine of avian influenza subtypes H5 authorised by France in ducks and geese in the areas listed in the Annex ('the preventive vaccination areas').

2. Intensive monitoring and surveillance, as set out in the preventive vaccination plan shall be carried out in the preventive vaccination areas.

3. The preventive vaccination plan shall be implemented efficiently.

4. The Commission shall publish the preventive vaccination plan.

Article 3

Provisions for movements of live poultry, hatching eggs, day-old chicks, fresh poultry meat, minced meat, meat preparations, mechanically separated meat and meat products

Provisions for movements of live poultry and hatching eggs coming from and/or originating from holdings in which

preventive vaccination is carried out and on movement of day-old chicks and fresh poultry meat, minced meat, meat preparations, mechanically separated meat and meat products derived from poultry vaccinated in accordance with the preventive vaccination plan shall meet the requirements laid down in Article 4 to 9 of this Decision.

Article 4

Provisions for movements and dispatch of live poultry, hatching eggs and day-old chicks

1. The competent authority shall ensure that vaccinated poultry may only be moved from its holding to:

- (a) other holdings where vaccination is carried out; or
- (b) other holdings where only vaccinated poultry are kept; or
- (c) other holdings where complete separation between vaccinated and non vaccinated poultry can be ensured; or
- (d) a slaughterhouse for immediate slaughter,

within France.

2. No vaccinated live poultry, hatching eggs and day-old chicks originating from such poultry shall be dispatched from France.

3. No live poultry, hatching eggs and day-old chicks originating from holdings where vaccination has been carried out or from the holdings referred to in paragraph 1(a), 1(b) or 1(c) shall be dispatched from France.

Article 5

Health certification for intra-Community trade for consignments of live poultry, day-old chicks and hatching eggs

Health certificates for intra-Community trade in live poultry, day-old chicks and hatching eggs from France shall include the words:

'The consignment consists of live poultry/day-old chicks /hatching eggs originating from holdings where no vaccination against avian influenza has been carried out'.

Article 6

Provisions for dispatch of fresh meat of poultry, minced meat, meat preparations, mechanically separated meat and meat products

1. The competent authority shall ensure that fresh meat derived from vaccinated poultry in France is only placed on the market provided that the meat comes from poultry which:

- (a) originate from holdings which have been regularly inspected and tested with negative results for highly pathogenic avian influenza H5N1 in accordance with 'the preventive vaccination plan', with particular attention paid to sentinel birds;
- (b) originate from flocks which have been clinically inspected by an official veterinarian within 48 hours before loading, with particular attention paid to sentinel birds;
- (c) are kept separated from other flocks which do not comply with Article 4 and with this Article; and
- (d) that the meat has been produced in accordance with Annex II and Sections II and III of Annex III to Regulation (EC) No 853/2004 ⁽¹⁾ and controlled in accordance with Sections I, II, III, and Chapters V and VII of Section IV of Annex I to Regulation (EC) No 854/2004 ⁽²⁾;

2. The competent authority shall ensure that minced meat, meat preparations, mechanically separated meat and meat products containing meat derived from vaccinated ducks and geese flocks is only dispatched from France if the meat complies with paragraph (1) and are produced in accordance with Sections V and VI of Annex III to Regulation (EC) No 853/2004.

Article 7

Commercial documents for fresh meat of poultry, minced meat, meat preparations, mechanically separated meat and meat products

France shall ensure that fresh meat of poultry, minced meat, meat preparations, mechanically separated meat and meat

⁽¹⁾ OJ L 139, 30.4.2004, p. 55. Corrected version in OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Commission Regulation (EC) No 2076/2005 (OJ L 338, 22.12.2005, p. 83).

⁽²⁾ OJ L 139, 30.4.2004, p. 206. Corrected version in OJ L 226, 25.6.2004, p. 83. Regulation as last amended by Commission Regulation (EC) No 2076/2005 (OJ L 338, 22.12.2005, p. 83).

products complying with the conditions set out in Article 6 is accompanied by commercial documents stating:

'The consignment complies with the animal health conditions laid down in Commission Decision 2006/148/EC.'

Article 8

Information to Member States

France shall inform in advance the central veterinary authority in the Member State of destination on movements of consignments referred to in Article 7.

Article 9

Washing and disinfection of packaging and means of transport

France shall ensure that the following measures are taken on holdings, located in areas as listed in the Annex, where preventive vaccination is carried out:

- (a) only disposable packaging material, or packaging material which can be effectively washed and disinfected, is used for the collection, storage and transport of hatching eggs and day-old chicks;
- (b) all means of transport used for transporting live poultry, hatching eggs, day-old poultry, fresh poultry meat, minced meat, meat preparations, mechanically separated meat and meat products and poultry feedstuff are cleaned and disinfected immediately before and after each transport with disinfectants and methods of use approved by the competent authority.

Article 10

Penalties

France shall lay down the rules on penalties applicable to infringements of provisions of this Decision and shall take all the measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. France shall notify those provisions to the Commission by 7 March 2006 at the latest and shall notify the Commission of any subsequent amendments thereof.

Article 11

Reports

France shall submit a report containing information on the effectiveness of the preventive vaccination plan to the Commission within one month from the date of application of this Decision and give monthly reports at the Standing Committee on the Food Chain and Animal Health starting as from 7 March 2006.

Article 12

Review of measures

The measures shall be reviewed in the light of the development of the epidemiological situation and new information becoming available.

Article 13

Addressee

This Decision is addressed to the French Republic.

Done at Brussels, 24 February 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

**AREAS WHERE PREVENTIVE VACCINATION AGAINST AVIAN INFLUENZA IS
CARRIED OUT IN CERTAIN DUCK AND GEESE HOLDINGS**

List of communes

DÉPARTEMENT DES LANDES		
AIRE-SUR-L'ADOUR	GRENADE-SUR-L'ADOUR	PORT-DE-LANNE
ANGRESSE	HAGETMAU	POUDENX
ARBOUCAVE	HAUT-MAUCO	POUYDESSEAUX
ARTASSENX	HERRÉ	PUJO-LE-PLAN
ARTHEZ-D'ARMAGNAC	HONTANX	PUYOL-CAZALET
AUBAGNAN	HORSARRIEU	RENUNG
AUDIGNON	LABASTIDE-CHALOSSE	RIMBEZ-ET-BAUDIETS
BAHUS-SOUBIRAN	LABASTIDE-D'ARMAGNAC	SAINT-AGNET
BASCONS	LABENNE	SAINT-ANDRÉ-DE-SEIGNANX
BAS-MAUCO	LACAJUNTE	SAINT-BARTHÉLEMY
BATS	LACQUY	SAINTE-COLOMBE
BÉNESSE-MAREMNE	LACRABE	SAINT-CRICQ-VILLENEUVE
BENQUET	LAGLORIEUSE	SAINT-ÉTIENNE-D'ORTHE
BETBEZER-D'ARMAGNAC	LAGRANGE	SAINTE-FOY
BIARROTTE	LARRIVIÈRE	SAINT-GEIN
BIAUDOS	LATRILLE	SAINT-JEAN-DE-MARSACQ
BISCARROSSE	LAURET	SAINT-JULIEN-D'ARMAGNAC
BORDÈRES-ET-LAMENSANS	LOSSE	SAINT-JUSTIN
BOSTENS	LUSSAGNET	SAINT-LAURENT-DE-GOSSE
BOUGUE	MANT	SAINT-LOUBOUER
BOURDALAT	MAURIES	SAINTE-MARIE-DE-GOSSE
BRETAGNE-DE-MARSAN	MAURRIN	SAINT-MARTIN-DE-HINX
BUANES	MAUVEZIN-D'ARMAGNAC	SAINT-MARTIN-DE-SEIGNANX
CAPBRETON	MAZEROLLES	SAINT-MAURICE-SUR-L'ADOUR
CASTANDET	MIRAMONT-SENSACQ	SAINT-PIERRE-DU-MONT
CASTELNAU-TURSAN	MOMUY	SAINT-SEVER
CAZÈRES-SUR-L'ADOUR	MONGET	SAINT-VINCENT-DE-TYROSSE
CLASSUN	MONSÉGUR	SAMADET
CLÈDES	MONT-DE-MARSAN	SANGUINET
COUDURES	MONTÉGUT	SARRAZIET
CRÉON-D'ARMAGNAC	MONTGAILLARD	SARRON
DUHORT-BACHEN	MONTSOUÉ	SAUBION
DUMES	MORGANX	SAUBRIGUES
ESCALANS	ONDRES	SERRES-GASTON
ESTIGARDE	ORX	SOORTS-HOSSEGOR
EUGÉNIE-LES-BAINS	PARLEBOSCQ	SORBETS
EYRES-MONCUBE	PAYROS-CAZAUTETS	TARNOS
FARGUES	PÉCORADE	URGONS
FRÈCHE (LE)	PERQUIE	VIELLE-TURSAN
GABARRET	PEYRE	VIGNAU (LE)
GAILLÈRES	PHILONDENX	VILLENEUVE-DE-MARSAN
GEAUNE	PIMBO	

DÉPARTEMENT DE LA LOIRE-ATLANTIQUE

ARTHON-EN-RETZ	GRIGNONNAIS (LA)	SAINT-ANDRÉ-DES-EAUX
ASSÉRAC	GUÉMÉNÉ-PENFAO	SAINTE-ANNE-SUR-BRIVET
AVESSAC	GUENROUET	SAINT-BRÉVIN-LES-PINS
BASSE-GOULAINÉ	GUÉRANDE	SAINT-COLOMBAN
BAULE-ESCOUBLAC (LA)	HERBIGNAC	SAINT-ÉTIENNE-DE-MONTLUC
BATZ-SUR-MER	INDRE	SAINT-GILDAS-DES-BOIS
BERNERIE-EN-RETZ (LA)	JUIGNÉ-DES-MOUTIERS	SAINT-HERBLAIN
BESNÉ	LIMOUZINIÈRE (LA)	SAINT-HILAIRE-DE-CHALÉONS
BIGNON (LE)	LAVAU-SUR-LOIRE	SAINT-JEAN-DE-BOISEAU
BLAIN	MACHECOUL	SAINT-JOACHIM
BOUAYE	MALVILLE	SAINT-JULIEN-DE-VOUVANTES
BOUÉE	MARNE (LA)	SAINT-LÉGER-LES-VIGNES
BOUGUENNAIS	MARSAC-SUR-DON	SAINTE-LUCE-SUR-LOIRE
BOURGNEUF-EN-RETZ	MASSÉRAC	SAINT-LUMINE-DE-COUTAIS
BOUVRON	MESQUER	SAINT-LYPHARD
BRAINS	MISSILLAC	SAINT-MALO-DE-GUERSAC
CAMPBON	MONTAGNE (LA)	SAINT-MARS-DE-COUTAIS
CARQUEFOU	MONTOIR-DE-BRETAGNE	SAINT-MÊME-LE-TENU
CHAPELLE-DES-MARAIS (LA)	MOUTIERS-EN-RETZ (LES)	SAINT-MICHEL-CHEF-CHEF
CHAPELLE-GLAIN (LA)	NANTES	SAINT-MOLF
CHAPELLE-LAUNAY (LA)	NOTRE-DAME-DES-LANDES	SAINT-NAZAIRE
CHAPELLE-SUR-ERDRE (LA)	ORVAULT	SAINT-NICOLAS-DE-REDON
CHAUVÉ	PAIMBOEUF	SAINTE-PAZANNE
CHEIX-EN-RETZ	PELLERIN (LE)	SAINT-PÈRE-EN-RETZ
CHÉMÉRÉ	PIERRIC	SAINT-PHILBERT-DE-GRAND-LIEU
CHEVROLIÈRE (LA)	PIRIAC-SUR-MER	SAINTE-REINE-DE-BRETAGNE
CONQUÉREUIL	PLAINE-SUR-MER (LA)	SAINT-SÉBASTIEN-SUR-LOIRE
CORDEMAIS	PLESSÉ	SAINT-VIAUD
CORSEPT	PONT-CHÂTEAU	SAUTRON
COUËRON	PONT-SAINT-MARTIN	SAVENAY
CROISIC (LE)	PORNIC	SÉVERAC
CROSSAC	PORNICHER	SORINIÈRES (LES)
DONGES	PORT-SAINT-PÈRE	TEMPLE-DE-BRETAGNE (LE)
DREFFÉAC	POULIGUEN (LE)	TREILLIÈRES
FAY-DE-BRETAGNE	PRÉFAILLES	TRIGNAC
FÉGRÉAC	PRINQUIAU	TURBALLE (LA)
FRESNAY-EN-RETZ	QUILLY	VAY
FROSSAY	REZÉ	VERTOU
GÁVRE (LE)	ROUANS	VIGNEUX-DE-BRETAGNE
GENESTON	SAINT-AIGNAN-GRANDLIEU	VUE

DÉPARTEMENT DE LA VENDÉE

AIGUILLON-SUR-MER (L')	GROSBREUIL	SABLES-D'OLONNE (LES)
AIGUILLON-SUR-VIE (L')	GRUES	SAINT-AUBIN-LA-PLAINE
ANGLES	GUÉ-DE-VELLUIRE (LE)	SAINT-AVAUGOURD-DES-LANDES
AUZAY	GUÉRINIÈRE (LA)	SAINT-BENOIST-SUR-MER
AVRILLÉ	ÎLE-D'ELLE (L')	SAINT-CYR-EN-TALMONDAIS
BARBÂTRE	ÎLE-D'OLONNE (L')	SAINT-DENIS-DU-PAYRÉ
BARRE-DE-MONTS (LA)	JARD-SUR-MER	SAINT-ÉTIENNE-DE-BRILLOUET
BEAUVOIR-SUR-MER	JONCHÈRE (LA)	SAINTE-FOY
BENET	LAIROUX	SAINTE-GEMME-LA-PLAINE
BERNARD (LE)	LANDEVIEILLE	SAINT-GERVAIS
BESSAY	LANGON (LE)	SAINT-GILLES-CROIX-DE-VIE
BOIS-DE-CÉNÉ	LIEZ	SAINTE-HERMINE
BOISSIÈRE-DES-LANDES (LA)	LONGÈVES	SAINT-HILAIRE-DE-RIEZ
BOUILLÉ-COURDAULT	LONGEVILLE-SUR-MER	SAINT-HILAIRE-DES-LOGES
BOUIN	LUÇON	SAINT-HILAIRE-LA-FORÊT
BREM-SUR-MER	MAGNILS-REIGNIERS (LES)	SAINT-JEAN-DE-BEUGNÉ
BRÉTIGNOLLES-SUR-MER	MAILLÉ	SAINT-JEAN-DE-MONTS
BRETONNIÈRE (LA)	MAILLEZAIS	SAINT-JULIEN-DES-LANDES
CHAILLÉ-LES-MARAIS	MAREUIL-SUR-LAY-DISSAIS	SAINT-MARTIN-DE-FRAIGNEAU
CHAILLÉ-SOUS-LES-ORMEAUX	MAZEAU (LE)	SAINT-MATHURIN
CHAIX	MONTREUIL	SAINT-MICHEL-EN-L'HERM
CHAIZE-GIRAUD (LA)	MOREILLES	SAINT-MICHEL-LE-CLOUCQ
CHAPELLE-ACHARD (LA)	MOTHE-ACHARD (LA)	SAINTE-PEXINE
CHAMPAGNÉ-LES-MARAIS	MOUTIERS-LES-MAUXFAITS	SAINT-PIERRE-LE-VIEUX
CHAMP-SAINT-PÈRE (LE)	MOUTIERS-SUR-LE-LAY	SAINTE-RADEGONDE-DES-NOYERS
CHASNAIS	MOUZEUIL-SAINT-MARTIN	SAINT-RÉVÉREND
CHÂTEAU-D'OLONNE	NALLIERS	SAINT-SIGISMOND
CHÂTEAU-GUIBERT	NIEUL-LE-DOLENT	SAINT-URBAIN
CHÂTEAUNEUF	NIEUL-SUR-L'AUTISE	SAINT-VINCENT-SUR-GRAON
CLAYE (LA)	NOIRMOUTIER-EN-L'ÎLE	SAINT-VINCENT-SUR-JARD
CORPE	NOTRE-DAME-DE-MONTS	SALLERTAINE
COUTURE (LA)	OLONNE-SUR-MER	SÉRIGNÉ
CURZON	ORBRIE (L')	TABLIER (LE)
DAMVIX	OULMES	TAILLÉE (LA)
DOIX	PÉAULT	TALMONT-SAINT-HILAIRE
ÉPINE (L')	PERRIER (LE)	TRANCHE-SUR-MER (LA)
FAUTE-SUR-MER (LA)	PETOSSE	TRIAIZE
FENOUILLE (LE)	PISSOTTE	VAIRÉ
FONTAINES	POIRÉ-SUR-VELLUIRE (LE)	VELLUIRE
FONTENAY-LE-COMTE	POIROUX	VIX
GIROUARD (LE)	POUILLÉ	VOUILLÉ-LES-MARAIS
GIVRAND	PUYRAVAULT	XANTON-CHASSENON
GIVRE (LE)	ROSNAY	